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Review of *Transitional Justice in Nepal: Interests, Victims and Agency* by Yvette Selim

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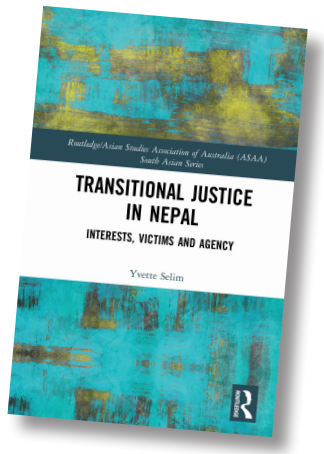

Transitional Justice in Nepal: Interests, Victims, and Agency.

Yvette Selim. New York: Routledge, 2018. 235 pages. ISBN 9781138047921.

Reviewed by Tracy Fehr

Over the past few decades, Transitional Justice (TJ) has emerged both as a field of study and as a transnational paradigm shaping particular agendas and social institutions within post-conflict societies. Despite the diverse contexts and complex realities of people's everyday lives, a universalized TJ discourse and practice has developed that privileges certain ways of knowing and forms of "justice."

Standardized mechanisms such as truth commissions, prosecutions, and reparations have reinforced the TJ imaginary at the state level, often precluding more local, context- and victim-centric alternative forms of justice and reconciliation. In Nepal—as in many countries recovering from mass atrocities or civil war—the TJ process is embedded within a highly politicized post-conflict landscape. Thus, TJ itself becomes a politicized process serving as a backdrop for various stakeholders to contest their competing interests often guised under the neutral pretenses of "justice" and "reconciliation."

Yvette Selim's new book, *Transitional Justice in Nepal: Interests, Victims and Agency* provides an in-depth case study of the protracted unfolding of Nepal's TJ process, revealing both its politicized nature as well as the complexities of peoples' everyday lived realities. Selim examines what she refers to as "the politics of transitional justice" or the relationships and interactions within and between individuals and organizations in relation to TJ in Nepal (p. 12). As she argues throughout the book, TJ is both a producer and a product of politics (p. 13).

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Fehr on *Transitional Justice in Nepal: Interests, Victims, and Agency.*

In her analysis, Selim uses a constructivist grounded theory approach to centralize the voices of respondents within their own everyday lived realities. Her analysis disrupts the dominant TJ paradigm by deconstructing how different actors within the Nepal context comprehend key terms such as "victim," "justice," and "reconciliation." She calls for a context-specific TJ approach to incorporate Nepali language and cultural conceptualizations into the discourse. Selim argues that despite the government's inclusion of victims in participatory activities, thus far their voices have rarely impacted Nepal's TJ agenda. She explains, "By focusing on politics, participation and the everyday realities of people at the local and national level in post-conflict Nepal, this book advocates for deeper critical analysis of the processes, voices, interests, and agendas of transitional justice (p. 14)."

Selim's research spans nine conflict-affected districts that represent all five former development regions of Nepal (which have since been reconfigured under the new federalism structure). She draws on more than 100 interviews with multiple stakeholders including victims, ex-combatants, community members, human rights advocates, journalists, and representatives from international organizations and the donor community. This overview ranges across localities and perspectives, complementing existing TJ scholarship in Nepal.

However, Selim's broad approach sometimes overlooks the significance of social positioning within Nepali society—especially in regards to *jāt* (caste), *ādivāsī janajāti* (indigenous nationalities), and *pāhādi/madheshi* identity (a complex geographic, cultural, and increasing political identity)—and their role in shaping local, provincial, and national power dynamics.

In her analysis, Selim recognizes the range of ways different actors engage with and shape TJ in Nepal. She argues some actors have adopted or resisted TJ, but others have negotiated or contested it. Therefore, to move beyond the agentive adopted/resisted duality, in Chapter Two she develops an "action spectrum" derived from the literature on contentious politics and resistance. This spectrum—adoption/compliance, negotiation, contestation, resistance—accounts for the dynamic and changing nature of actions and gives meaning to everyday gestures that might fall beyond the purview of politics at the national level (p. 34). Thus, this spectrum shifts the TJ focus beyond the institutional and state level, and emphasizes how actors interact with the TJ discourse and practices in their everyday lives.

In Chapter Three, Selim engages with the larger TJ literature, situating Nepal's process within scholarly debates on the notion of victimhood, the politics versus justice dichotomy, and the tensions between transnational and local approaches.

This continues in Chapter Seven, as she dismantles the prominent perpetrator/victim binary arguing that "any approach that assumes a strict division between victims and perpetrator does not reflect everyday realities in Nepal" (p. 175). This underlines her main thesis and, arguably, her most important contribution—that the TJ process in Nepal needs to extend beyond its existing normative assumptions and have a greater appreciation of victims' everyday realities (p. 219). Her research expands on previous studies in Nepal (Simon Robins. 2012. "Transitional Justice as an Elite Discourse: Human Rights Practice Where the Global Meets the Local in Post-Conflict Nepal." *Critical Asian Studies* 44(1): 3-30), concluding that the meanings victims ascribe to justice are intimately linked to their daily economic and social concerns and not necessarily priorities outlined in the dominant TJ agenda.

In Chapter Five, Selim locates the key actors interacting within and shaping the TJ process in Nepal. She creates a typology of four categories—experts, brokers, implementers, and victims—based on each actor's functions and their level of contestation (local, national, transnational). Although innovative, such a neat typology can erase the messiness of reality. For example, some conflict-affected people work for NGOs. Thus they might exist both as a victim locally as well as an implementor of justice and reconciliation nationally. Therefore, categorizing them as one type of

actor ignores the possibility that they might operate at multiple levels and switch between different functions depending on the context. This actor typology also homogenizes diverse organizations into one category labelling Nepali NGO's the same as their potential INGO funders—i.e. Women for Human Rights and Advocacy Forum are in the same category as UN Women and the International Center for Transitional Justice—overlooking crucial power distinctions that could significantly shape when and how actors comply, negotiate, contest, or resist TJ.

The book's primary audience includes TJ and participatory development scholars and practitioners. For scholars of Nepal, the research provides an important and detailed historical background regarding who has shaped the country's TJ process and how. However, at times it would benefit from a deeper discussion of the cultural and historical specificities of Nepal. Selim situates TJ within the political history of the Maoist insurgency and subsequent peace process, but it would also be constructive to understand the TJ process within the country's historical context of *bikās* (development). In Nepal, development has in many ways served as a modern form of colonization, creating new subjectivities and influencing transnational, national, and local power dynamics. Therefore, it is important to understand how the TJ process and its actors operate within these existing power structures and how the overall process has been shaped by these longstanding transnational linkages.

Overall, Selim makes a significant empirical contribution to the field of TJ, and a theoretical contribution to the contentious politics and resistance literature. She provides a critical analysis of the politicized nature of the TJ process in Nepal, as well as how it interacts with people's everyday lived realities—a crucial perspective that is frequently discounted both in theory and praxis. Selim's research is timely as the mandates for Nepal's controversial TJ mechanisms—the Truth and Reconciliation Commission (TRC) and Commission for the Investigation of Enforced Disappeared Persons (CIEDP)—were recently extended. Amidst public criticisms, perhaps this could also be a pivotal moment for TJ in Nepal to shift towards—as Selim calls for—a more localized and victim-centric approach.

Tracy Fehr is a Sociology PhD student at the University of Colorado Boulder. Her research focuses on gender, development, human rights, and transitional justice in Nepal.